

HOUSE BILL REPORT

HB 1831

As Reported by House Committee On:
Natural Resources, Ecology & Parks

Title: An act relating to damage to livestock caused by wildlife.

Brief Description: Providing compensation for loss of livestock caused by wildlife.

Sponsors: Representatives Kretz, Blake, Grant, Buri, Holmquist, B. Sullivan, Orcutt, Serben, McCune, Sump, Cox, Walsh, Clements, Roach, Linville, Newhouse, Haler and Pearson.

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 2/22/05, 2/24/05 [DPS].

Brief Summary of Substitute Bill

- Expands the wildlife damage crop compensation program to include damage done to livestock by predatory wildlife.
- Shifts the fund source for the wildlife compensation program from the Wildlife Account to the General Fund.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives B. Sullivan, Chair; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, DeBolt, Eickmeyer, Orcutt and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Upthegrove, Vice Chair; Dickerson and Hunt.

Staff: Jason Callahan (786-7117).

Background:

The owners of a commercial agricultural or horticultural crops may apply to the Department of Fish and Wildlife (WDFW) for payment of damages caused by the browsing of wild deer or elk. Payments are limited to the value of the crop, but are generally capped at \$10,000 per claim. Claims valued over \$10,000 must be filed with the Office of Risk Management, which will forward a recommendation on the claim to the Legislature. Only landowners that open his or her land to public hunting are eligible for compensation caused by deer or elk damage.

It is the responsibility of the WDFW to examine and assess the damage upon notification from the claimant, although the WDFW and the claimant can agree to have the damage assessed by a third party. The owner of the damaged crops must report the loss within 10 days of discovery. Any damage payments accepted by the owner represents the exclusive remedy against the state for wildlife-caused damages.

Summary of Substitute Bill:

The wildlife damage crop compensation program is expanded to include damage done to livestock by cougars and bears. The term "livestock" is defined as cattle, sheep, and horses. The owner of the livestock may receive the fair market value of an animal that is killed by a cougar or bear, or that is injured to such a degree that the commercial value of the animal is diminished, if the owner receives at least \$10,000 annually from the sale of livestock. The fair market value is to be determined by the Director of the WDFW, upon recommendation of the Department of Agriculture.

In order to qualify for a claim, the owner of the killed or injured livestock must notify the WDFW within 72 hours of discovering the attack on his or her animal. The owner of the livestock is not required to open his or her land for public hunting in order to be eligible for compensation.

The funding limitations, exclusive remedy provisions, and other administrative functions of the wildlife damage crop compensation program also apply to claims for livestock loss, except that the fund source used by the WDFW to fund the compensation program is shifted from the Wildlife Account to the General Fund.

Substitute Bill Compared to Original Bill:

The substitute bill defines "commercial livestock" to include cattle, sheep, and horses from which the owner derives more than \$10,000 a year in profit annually, defines "predatory wildlife" to be cougars and bears, and requires the WDFW to pay the \$125,000 a year to compensate wildlife damage claims from the General Fund instead of the Wildlife Fund. The original bill had a broader definition of livestock and predatory wildlife.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support of original bill) There is currently a claims program for crops damaged by wildlife, and it is equitable to extend the benefit to livestock operators. The federal government has a similar program for wolf damage. It is not easy to succeed in a claim for crop loss, and the expectations for livestock loss would be no different. Loss of livestock

financially impacts the owner of the livestock, as well as the community in which the money would have been spent. This bill provides a win-win for everyone.

A citizens initiative has limited options for cougar control, and populations of cougars has been on the increase. Efforts to manage cougars have been mostly reactive, and therefore not effective. Cougars are attacking livestock, causing significant economic loss from killed animals and high veterinary bills for injured animals. The bill addresses fairness. The general citizenry has decided to limit cougar management, so the bill asks the general public to share in the costs that result from that decision. It does not change the original initiative in anyway.

A far cheaper approach would be to limit predator populations, but the bill is a good first step until that can be accomplished.

Testimony Against: (Opposed to original bill) The bill has a high fiscal impact. There are costs for reimbursing lost animals, and significant costs in investigating claims. The price would be decreased if the scope of the bill was limited to the largest species of livestock.

It is unfair that compensation costs for damage comes from the Wildlife Account. The General Fund should pay these expenses, not hunters and fishers.

Persons Testifying: (In support of original bill) Representative Kretz, prime sponsor; Bill Pickell, Washington Contract Loggers Association; Jack Field, Bal Bognon, and Norm McClure, Washington Cattleman's Association; Merrill Ott, Stevens County Commissioner; and Chad Henneman, Cattle Producer's of Washington.

(Opposed to original bill) Bruce Bjork, Washington Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.